

Standard Permit Conditions

Part One – Administrative

- a. This permit is subject to all applicable provisions of 43 CFR Part 3, 43 CFR 7, and 25 CFR 262, and applicable departmental and bureau policies and procedures, which are made a part hereof.
- b. All standards herein will be used by the Wyoming Bureau of Land Management (BLM) to comply with applicable laws and regulations, including but not limited to the National Historic Preservation Act (P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470), the National Environmental Policy Act (P.L. 91-190; 83 Stat. 852; 42 U.S.C. 4321), and the Federal Land Policy and Management Act (P.L. 94-579; 90 Stat. 2743; 43 U.S.C. 1701).
- c. The permittee and this permit are subject to all other Federal, State, and local laws and regulations applicable to the public lands and resources.
- d. This permit shall not be exclusive in character, and shall not affect the ability of the BLM to use, lease or permit the use of lands subject to this permit for any purpose.
- e. This permit may not be assigned.
- f. Permittee's initiation of work or other activities under the authority of this permit signifies the permittee's acceptance of all conditions of the permit. Failure to accommodate any condition listed herein may result in the suspension, revocation or non-renewal of this permit.
- g. Permits issued for a duration of more than one year must be reviewed annually by the BLM Wyoming State Office.
- h. Any request for a change, modification, or accommodation in an essential condition of the permit, including, but not limited to, individuals named and the nature, location, purpose, and time of authorized work, shall immediately be made in writing to the approving official at the BLM Wyoming State Office (item 14, Permit for Archeological Investigations). Failure to do so may result in permit suspension, revocation or non-renewal.
- i. Permittee may submit a request for a permit extension from the BLM Wyoming State Office, in writing, at any time prior to expiration of the term of the permit, specifying a limited, definite amount of time required to complete permitted work.
- j. Permittee may submit a request for a permit renewal from the BLM Wyoming State Office, in writing, no more than two months prior to expiration of the current permit term.
- k. Permittee may submit a request for review of any disputed decision by the BLM regarding inclusion of standard conditions in this permit or any fieldwork authorization, denial of a fieldwork notification request, or the modification, suspension, revocation or non-renewal of this permit. Requests for review must be submitted in writing, setting out in detail the reason(s) for believing that the decision should be reconsidered. Such requests for review must be received by the appropriate BLM office within 30 calendar days of the pertinent decision being made, unless an extension for time, submitted in writing, has been granted in writing from the BLM. Requests for extension of time must be received by the appropriate BLM office no later than 5 business days prior to the 30th calendar day referred to in the previous sentence.
- l. Permittee shall not be released from requirements of this permit or be allowed to obtain another permit, extension or renewal, until all outstanding obligations have been satisfied, whether or not the term of the permit has expired.
- m. The State Director will suspend a permit when the permittee has been formally charged with a violation of any prohibition in 16 U.S.C. 470ee or 43 CFR 7.4. The State Director will revoke a permit upon the permittee's conviction under 16 U.S.C. 470ee, or the assessment of a civil penalty under 16 U.S.C. 470ff or 43 CFR 7.15.

n. Intentional misrepresentation of data, omission of data or deliberate falsification of field records or site records resulting in damage to cultural resources is a significant permit violation. Individuals who have intentionally misrepresented data or deliberately falsified field records or site records shall not be eligible to serve in any capacity on a Wyoming BLM cultural resource use permit, nor shall they become eligible in the future.

o. Permittee's work record from any federal agency, in any state, may be taken into account in making decisions regarding permit application, issuance, extension, renewal, suspension, revocation or non-renewal.

Part Two – General

a. This permit may be suspended, revoked or subject to non-renewal for a repeated failure to comply with any standard permit condition or for management purposes at the discretion of the BLM authorized officer, upon written notice.

b. All persons working under this permit are prohibited from revealing information on the nature and location of archaeological resources discovered, recorded, updated, collected or tested (or any other activities related to archaeological resources under this permit) to the general public unless or until the Wyoming Bureau of Land Management (BLM) has taken adequate steps to assure the protection of the resources in question and given approval for the disclosure, in writing, to the permit administrator. Given the sensitive and nonrenewable nature of archaeological resources and their protected status under statute and regulation, the permit administrator will coordinate any and all media announcements with BLM prior to release.

c. This permit establishes a relationship between the permittee and the BLM; therefore, project cancellation does not negate the legal requirements for reporting the results of the survey. If a Class III survey is conducted in preparation for a BLM authorized development, regardless of ultimate realization of such project, then a report from the permittee is still required, according to the terms and conditions of this permit.

d. Any correspondence about this permit or work conducted under its authority must cite the cultural resource use permit number. Any publication of the results of work conducted under the authority of this permit must fully credit the U. S. Department of the Interior, the Bureau of Land Management, and this permit number. Publication of permitted research results in any format (including, but not limited to, professional journals, books, magazines, the internet, film, audio tapes, or other similar methods) shall not include cultural resource location information. This includes descriptive information; visual information such as maps, drawings and photographs; an associated or linked database; or any other information that provides a degree of specificity that would reasonably facilitate or allow the public to determine the location of cultural resources.

e. The BLM will be afforded the opportunity to review drafts of conference presentations and both printed and internet-based publications prior to presentation or publication in order to insure confidentiality of cultural resource location information.

f. Permittee shall submit to the approving official and the approved curatorial facility (item 12 of the permit), an advanced copy of any journal article proposed for publication and any (published or unpublished) report, paper, or manuscript resulting from permitted work.

g. The permittee shall keep the specific location of sensitive resources confidential. Sensitive resources include threatened species, endangered species, rare species, archaeological sites, caves, fossil sites, minerals, commercially valuable resources, and sacred ceremonial sites.

h. Any artifacts collected from public lands under the provisions of this permit remain the property of the United States Government and may be recalled at any time for use by the Department of the Interior or other agencies of the Federal Government.

i. Permittee shall grant the BLM authorized officer, or his/her representative, full access to the work area specified in this permit at any time the permittee is in the field, for purposes of examining the work area and any recovered materials and related records.

- j. Permittee shall cease work upon discovering any human remains and shall immediately notify the BLM authorized officer. Work in the vicinity of the discovery may not resume until the BLM authorized officer has given permission in writing.
- k. Permittee shall not use mechanized equipment in designated, proposed, or potential wilderness areas unless authorized, in writing, by the agency official or a designee, in addition to specific conditions associated with this permit.
- l. Permittee shall take precautions to protect livestock, wildlife, the public, and other users of the public lands from accidental injury in any shovel test or auger probe hole.
- m. Permittee shall not conduct any flint-knapping or lithic replication experiments on BLM lands that might be mistaken for an archaeological site as a result of such experiments.
- n. Permittee shall perform the fieldwork authorized in this permit in a way that does not impede or interfere with other legitimate uses of the public lands, except when the BLM authorized officer specifically provides otherwise in writing.
- o. Permittee shall restrict vehicular activity to existing roads and trails unless the BLM authorized officer provides otherwise in writing.
- p. Permittee shall not cut or otherwise damage living trees unless the BLM authorized officer gives permission in writing.
- q. Permittee shall take precautions at all times to prevent wildfire. Permittee shall be held responsible for suppression costs for any fires on public lands caused by the permittee's negligence or otherwise culpable conduct. Permittee may not burn debris without the BLM authorized officer's specific permission in writing.
- r. Permittee shall conduct all operations in such a manner as to prevent or minimize scarring and erosion of the land, pollution of the water resources, and damage to the watershed. Disturbance will be kept to the minimum area consistent with the nature and purpose of the fieldwork.
- s. Permittee shall not disturb resource management facilities within the permit area, such as fences, reservoirs, and other improvements, without the BLM authorized officer's prior approval in writing. Where disturbance is necessary, permittee shall return the facility to its prior condition, as determined by the BLM authorized officer.
- t. Permittee shall clean all camp and work areas before leaving the permit area. Permittee shall take precautions to prevent littering or pollution on public lands, waterways, and adjoining properties. Refuse shall be carried out and deposited in approved disposal areas.
- u. Permittee will not negotiate, make commitments, cause harm to relationships between the BLM and other parties, or otherwise give the appearance of speaking for or exercising the BLM's authority.

Part Three – Fieldwork and Reporting

- a. This permit may be immediately suspended, revoked or subject to non-renewal for a single significant violation of permit conditions.
- b. Prior to beginning any fieldwork under the authority of this permit, the permittee shall use the automated CRMTracker program to perform fieldwork notification to the appropriate BLM field office for each episode of fieldwork. The BLM field office will have up to 10 business days to respond. If the automated system is down (as notified by WYCRO), then a fax, telephone call or e-mail shall be substituted. All information from the automated system must be relayed. Exact dates of fieldwork must be provided. If weather or another priority causes the fieldwork to be cancelled or modified, a telephone call, fax or e-mail must be made to the BLM archaeologist. New fieldwork dates must be provided as soon as they are known, but in no event less than 10 business days prior to commencement of fieldwork.

- c. Permittee will conduct an archaeological and historical files search through the Wyoming State Historic Preservation Office's Cultural Records Office (WYCRO), no more than 60 days prior to field inventory. An on-line files search does not meet this requirement. All sections involved in the project must be included in the file search. BLM field office records must be checked by permittee as well. This latter step can be accomplished as part of the Fieldwork Notification process.
- d. A Class III survey is a pedestrian field inventory that provides a complete record of cultural properties, located from surface and naturally exposed profiles, shovel tests or auger probes. Use of alternative means to conduct the pedestrian Class III survey (anything other than on foot) is prohibited unless prior arrangements have been made with the BLM authorized officer, and such alternatives have been approved in writing.
- e. Fieldwork shall occur only when environmental conditions, such as weather, light conditions, ground visibility, soil conditions, etc., allow for professional quality work.
- f. Permittee is required to use the following site and isolated resource definitions. A "prehistoric site" is defined as 15 or more spatially associated artifacts. An "historic site" is defined as 50 or more associated artifacts. A "prehistoric isolated resource" is defined as 14 or fewer associated artifacts where no buried cultural materials or features are thought to exist. An "historic isolated resource" is defined as 49 or fewer artifacts where no buried cultural material or features exist. Permittee must demonstrate to a reasonable degree the presence/absence of subsurface cultural deposits.
- g. All cultural remains over 50 years of age will be recorded for each project conducted under this permit. Exceptions to this rule are found in Appendix D of the State Protocol between the BLM and SHPO. This document can be found on the BLM website at http://www.blm.gov/wy/st/en/programs/Cultural_Resources/protocol.html.
- h. Within the area of potential effect of an undertaking, all cultural sites must be evaluated as either eligible or not eligible for the National Register of Historic Places. Sites outside of the area of potential effect, but within the survey area, are evaluated to the degree possible from surface indications, shovel tests or auger probes. If the site cannot be evaluated without formal testing, the site shall be reported as "unevaluated."
- i. Cultural resource sites are recorded on the Cultural Properties Form. Isolated resources are recorded on the Wyoming Isolated Resource Form. These forms are found on the SHPO website at <http://wyoshpo.state.wy.us/SHPOweb2002/2002webpages/cpforms.htm>.
- j. At least one person listed under item 8 of the Permit for Archeological Investigations shall physically be in the field, within sight and in supervisory control of crew members, at all times when work is in progress. Each principal investigator and field director must have a copy of the cultural resource use permit with them when in the field.
- k. Diagnostic archaeological materials shall be collected from public lands. All artifacts from shovel tests or auger probes on public lands shall be collected. Artifacts from private land shall not be collected unless a repository donation form has been signed by the landowner.
- l. Shovel tests and auger probes shall be used in determining site boundaries or in estimating site potential where recent soil deposition may have covered cultural resources, where dense vegetation obscures cultural resources or where it is difficult to determine the horizontal extent of a property from surface manifestations alone.
- m. Permittee must follow the photographic standards for reports and other documents found on the SHPO website at <http://wyoshpo.state.wy.us/SHPOweb2002/2002webpages/guides.htm>.
- n. A site datum shall be placed on all sites recorded on BLM administered land. The datum will consist of a large nail, bridge spike or other metal stake with an attached metal tag inscribed with the date, temporary site number and recorder's initials. It shall be covered with a white PVC pipe to prevent animal damage to the tag and to increase visibility of the datum.

- o. All sites and isolated resources must be documented via Global Positioning System (GPS). The BLM GPS data accuracy standards require the use of NAD 83 UTM with 10 meters as the minimal level of accuracy (95% confidence level). GPS points for the site datum are required. GPS points for the corners of block inventory areas and lines for linear inventory areas shall be recorded as well.
- p. Permittee shall remove temporary stakes, flagging and/or pinflags, which the permittee has installed, immediately upon completion of fieldwork. Prior to entering the field, the permittee must contact the BLM authorized officer to determine if the field office has additional instructions regarding site identification materials left overnight.
- q. Permittee shall backfill all subsurface test exposures after recording the results and shall restore them as closely as reasonable to the original contour.
- r. Permittee shall adhere to standards set in the Wyoming State Historic Preservation Office (SHPO) Format, Guidelines, and Standards for Class II and III Reports. This document can be found on the BLM website at http://www.blm.gov/wy/st/en/programs/Cultural_Resources/permits.html.
- s. Permittee shall submit a minimum of two copies of the report to the BLM authorized officer no later than 30 calendar days after completion of fieldwork. If the project has multiple jurisdictions, BLM will inform the permittee how many copies of the report will be needed. The report will include all site forms, isolated resource forms, photographs and maps. Failure to provide the report within the approved time frame may result in the suspension, revocation or non-renewal of this permit. A request for an extension of time in submitting the report must be submitted in writing at least five business days before the report would be due, stating the reason for the extension. BLM will respond in writing, approving or denying the request, and such letter must be attached to the report when it is submitted.
- t. Site data and maps shall not be transmitted to the project sponsor or to the general public. Project sponsors should receive a letter or report that contains limited or abbreviated site descriptions only. All references to site features and artifacts shall be omitted. Any maps provided to the project sponsor should only indicate the relationship of undertaking boundaries or project reroutes to cultural property outlines; features or artifact locations will not be shown.
- u. Permittee will insure that all cover pages of reports and accompanying maps contain the following statement in large font, bold type: "For Official Use Only: Disclosure of site locations prohibited (43 CFR 7.18)."
- v. Permittee shall deposit all artifacts, processed samples and collections, as applicable, and all original records, data, photographs, and other documents, resulting from work conducted under this permit, with the curatorial facility named in item 12, above, no later than 60 days after the date the final report is submitted to the BLM authorized officer. Not later than 180 days after the final report is submitted, permittee shall provide the BLM State Office with a catalog of all materials deposited with the curatorial facility, including the facility's accession and/or catalog numbers, the name of the item, the name of the project and applicable BLM field office. Failure to comply with this time frame may result in the suspension, revocation or non-renewal of this permit.
- w. Permittee shall provide the Wyoming State Office with a confirmation that museum collections described above were deposited with the approved curatorial facility, signed by an authorized curatorial facility official, stating the date materials were deposited, and the type, number and condition of the collected museum objects deposited at the facility.

Date of first issuance – November 20, 2007

Date of last amendment – November 20, 2008

By signing below, I, the Permit Administrator, acknowledge that I have read and understand the Permit for Archaeological Investigations and agree to its standard permit conditions as evidenced by my signature below and initiation of work or other activities under the permit. I also certify that all Field Directors and Principal Investigators have read and understand the standard permit conditions.

Signature and Title:

Date:

Failure of the permit administrator to sign and return this page within 30 days of receipt will result in immediate suspension of the permit. Please return this page to the Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, WY 82009, Attn: Cultural Heritage Program.

Paperwork Reduction Act and Estimated Burden Statement: This information is being collected pursuant to 16 U.S.C. 470cc and 470mm, to provide the necessary facts to enable the Federal land manager (1) to evaluate the applicant's professional qualifications and organizational capability to conduct the proposed archeological work; (2) to determine whether the proposed work would be in the public interest; (3) to verify the adequacy of arrangements for permanent curatorial preservation, as United States property, of specimens and records resulting from the proposed work; (4) to ensure that the proposed activities would not be inconsistent with any management plan applicable to the public lands involved; (5) to provide the necessary information needed to complete the Secretary's Report to Congress on Federal Archeology Programs; and (6) to allow the National Park Service to evaluate Federal archeological protection programs and assess compliance with the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470). Submission of the information is required before the applicant may enjoy the benefit of using publicly owned archeological resources. To conduct such activities without a permit is punishable by felony-level criminal penalties, civil penalties, and forfeiture of property. A federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. Public reporting for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Departmental Consulting Archeologist; NPS; 1849 C Street, NW (2275); Washington, DC 20240-0001.